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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,151	09/13/2000	NOBUYUKI NAKAJIMA	1272.C0436	7881

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EXAMINER	
GRANT II, JEROME	

ART UNIT	PAPER NUMBER
2626	6

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/661,151	NAKAJIMA	
	Examiner	Art Unit	
	Jerome Grant II	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) 4 and 8 is/are allowed.

6)☒ Claim(s) 1,3,5-7 and 13-16 is/are rejected.

7)☒ Claim(s) 2 and 9-12 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5 and 13-16 rejected under 35 U.S.C. 102(b) as being anticipated by Sherman.

With respect to claim 1, Sherman teaches an image processing method (see figure 2) for generating a conversion condition for a scanner which is used for reading an image and generating data comprising the steps of: obtaining a reading property (R,G,B) correction property of an object of an object scanner based on image data obtained by that the object scanner reads a chart (standard target 310); and generating the conversion step for object scanner 402 a previously prepared reading property of a standard scanner (drift properties according to col. 8, lines 48-50, and a brightness-density condition (light and fade with predetermined light source according to col. 8, lines 60-67).

With respect to claim 3, Sherman teaches inputting image data via scanner 402 obtained by that the object scanner reads a chart (standard reference target) formed by image forming means 406; converting the input image data to density data by using the conversion condition generated according to col. 8, lines 50-54; and calibrating a correction condition for the image forming means based on the density data, see also col. 8, lines 39-43.

With respect to claim 5, Sherman teaches an apparatus according to figure 4 for generating a conversion condition for a scanner which is used for reading an image and generating data comprising: obtaining a reading property (R,G,B) correction property of an object of an object scanner based on image data obtained by that the object scanner reads a chart (standard target 310); and generating the conversion for object scanner 402 a previously prepared reading property of a standard scanner (drift properties according to col. 8, lines 48-50, and a brightness-density condition (light and fade with predetermined light source according to col. 8, lines 60-67).

With respect to claim 13, Sherman teaches a method for preparing a reading device (shown by figure 4) for preparing images to be printed, comprising the steps of: executing the calibration by renewing brightness-density conversion data (CIE values obtained based on a reading property of the reading device, previously prepared predetermined reading property (old drift properties according to col. 8, lines 45-50) and

a previously prepared brightness-density conversion (light and fade prevention with a predetermined light source according to col. 8, lines 60-67) corresponding to the predetermined reading property. Sherman teaches measuring density (via object densitometer) of the predetermined image by means of the reading device which has been subject to calibration by said calibration step (see col. 10, lines 30-37, this method of measurement is used instead of using densitomter. Sherman teaches generation calibration data for the calibration for the printing apparatus based on a result of measurement in said measuring step. See col. 10, lines 35-37.

With respect to claim 14, Sherman teaches renewing brightness-density conversion data (CIE data values) performed by selecting brightness-density conversion data corresponding to the reading device relating to the calibration from previously prepared plurality of brightness-density conversion data (so as to prevent loss of generality, according to col. 13, lines 36-39).

With respect to claim 15, Sherman teaches reading control means (object controller 404) for the purpose as claimed. Sherman teaches executing the calibration by renewing brightness-density conversion data via executing means 1202 (CIE values obtained based on a reading property of the reading device, previously prepared predetermined reading property (old drift properties according to col. 8, lines 45-50) and a previously prepared brightness-density conversion (light and fade prevention with a

predetermined light source according to col. 8, lines 60-67) corresponding to the predetermined reading property.

Sherman teaches generation calibration data for the calibration for the printing apparatus based on a result of measurement in said measuring step. See col. 10, lines 35-37.

With respect to claim16, Sherman teaches the executing means 1202 renews brightness-density conversion data (CIE data values) performed by selecting brightness-density conversion data corresponding to the reading device relating to the calibration from previously prepared plurality of brightness-density conversion data (so as to prevent loss of generality, according to col. 13, lines 36-39).

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman in view of Adam.

Sherman teaches an image processing method (see figure 2) for generating a conversion condition for a scanner which is used for reading an image and generating data comprising the steps of: obtaining a reading property (R,G,B) correction property of

an object of an object scanner based on image data obtained by that the object scanner reads a chart (standard target 310); and generating the conversion step for object scanner 402 a previously prepared reading property of a standard scanner (drift properties according to col. 8, lines 48-50, and a brightness-density condition (light and fade with predetermined light source according to col. 8, lines 60-67).

What Sherman fails to show is the storage medium for storing the program for realizing the method as claimed.

Adam teaches the computer or CPU 100 which includes the software on CD-ROM for facilitating a calibration of a scanner and printer with respective scanner and printer calibration software.

The purpose of using a storage device for storing the information for facilitating the method of Sherman would have been recognized by one of ordinary skill in the art.

Since Sherman and Adam are both directed toward calibration of scanners. It would have been obvious to one of ordinary skill in the art to modify the apparatus of figure 4 to include a CD-ROM driver or other storage devices in the apparatus for the purpose of storing programs or software for implementing calibration steps as clearly set forth by Adam at figure 3b, col. 4, lines 5-12 and col. 11, lines 53-66.

3.

Claims Objected

Claim 2 and 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4.

Claims Allowed

Claims 4 and 8 are allowed for the reason the prior art does not teach in claimed combination the judging step as claimed, the execution generation of the correction condition as claimed and the additional step of not executing generation correction condition for the scanner when the scanner is judged to be the standard scanner.

Claim 6 is allowed for the reason the prior art does not teach the judging means as claimed and wherein said generating means executes generation of the correction condition for the scanner when the scanner is not judged to be the standard scanner, and said generating means does not execute generation of the correction condition for the scanner when the scanner is judged to be the standard scanner."

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on (703) 305-4391. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

JEROME GRANT II
PRIMARY EXAMINER

J. Grant II